

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD L. PERRY,

[1:03-cv-05137](#)-AWI-SMS-P

Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS** (Doc. 59)

vs.

ORDER DISMISSING ACTION

MILLER, et al.,

Defendants.

Plaintiff, Richard L. Perry ("plaintiff"), is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On May 3, 2005, the Magistrate Judge filed [Findings and Recommendations](#) herein which were served on plaintiff and which contained notice to plaintiff that any objections to the Findings and Recommendations were to be filed within thirty (30) days. To date, plaintiff has not filed objections thereto.¹

¹ The United States Postal Service returned the order served on plaintiff on May 20, 2005, as undeliverable. A notation on the envelope indicated: Return to Sender ~ Unable to Locate. However, plaintiff has not notified the court of any change in his address. Absent such notice, service at a party's prior address is fully effective. See Local Rule 83-182(f).

1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the Court finds the Findings and Recommendations to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendations, filed May 3, 2005,
8 are ADOPTED in full;

9 2. This action is DISMISSED, without prejudice, for
10 plaintiff's failure to obey the court's order of March 15, 2005,
11 and failure to prosecute this action;

12 3. All pending Motions are DENIED as moot.²

13 IT IS SO ORDERED.

14 **Dated: June 15, 2005**
15 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE

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²Currently pending is a request by Defendants to extend the Dispositive Motion deadline.